



November 10, 2006

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Application No. : 2,458,317
Owner : DISCOVERY COMMUNICATIONS, INC.
**Title : ELECTRONIC BOOK SELECTION AND DELIVERY SYSTEM
HAVING ENCRYPTION AND SECURITY FEATURES**
Classification : H04N 7/173 (2006.01)
Your File No. : P17504
Examiner : Bryon Braymore

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(A) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on September 12, 2006.

The number of claims in this application is 22.

The examiner has identified the following defects in the application:

References Re-applied:

United States Patents

4,855,725 □	Aug. 8, 1989	US Cl. 345/173	FERNANDEZ
4,829,569 □	May 9, 1989	US Cl. 380/234	SETH-SMITH et al.

Reference Applied:

5,144,663 □	Sep. 1, 1992	US Cl. 380/16	KUDELSKI et al.
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□ citation stemming from the prosecution of the corresponding US application 2002/0040472.

FERNANDEZ discloses a user interactive mass storage data access system that includes a personal computer and a simulated book. The simulated book includes a display screen and a microprocessor with memory. The microprocessor is programmed for storing data received and decoded by its IR transceiver in memory and responsive to user input for displaying a page of data on the display screen.



SETH-SMITH et al. disclose a subscription television system in which individual decoders are enabled to receive individually addressed messages. In a preferred embodiment, both address packets and teletext are encrypted. The addressed packet is decrypted using a decoder-specific code and a system key transmitted as part of the system control data, while the teletext packet is decrypted using the system key, but cannot be received until the addressed packet has been decrypted. Therefore, redundant levels of security are provided to the system.

KUDELSKI et al. disclose a decoder comprising: a microprocessor connected to: a receiver of data of teletext, and a text generator for displaying information on a television; a pay-television-card that is associated with the microprocessor for managing the credit necessary for the purchase of emissions, memory connected to the microprocessor for the memorization of the emissions purchased and for permitting the unscrambling of the emissions purchased.

Obviousness

Claims 1, 7, 12 and 18:

In the correspondence dated September 12, 2006 the applicant stated that the subject matter of independent claims 1, 7, 12 and 18 are distinguished from SETH-SMITH et al. since:

- Claims 1 and 12 recite encrypting electronic book pages when they are no longer displayed,
- Claims 7 and 18 recite restricting access to electronic books stored on a viewer.

KUDELSKI et al. disclose a system for displaying teletext, wherein deciphered or descrambled data stored in the systems memory are liberated to prevent piracy or restrict access to the displayed data (Description: column 4, line 19-46).

Also, a person skilled in the art would recognize no functional difference between teletext and electronic books. Both describe the electronic display of textual data. Therefore, using the combined SETH-SMITH et al. and KUDELSKI et al. system to display electronic books rather than teletext would have been obvious to a person skilled in the art and does not represent a patentable distinction.

Therefore, claims 1-3, 7-10, 12-14, and 18-21 do not comply with section 28.3 of the *Patent Act*. The subject matter these claims would have been obvious having regard to SETH-SMITH et al. combined with KUDELSKI et al. and in light of the general common knowledge in the art.

Claims 4, 11, 15 and 22:

In the above correspondence, the applicant stated that the subject matter of independent claims 4, 11, 15 and 22 are distinguished from FERNANDEZ since:

- Claims 4 and 15 recite associating an electronic book ID with a unique viewer,
- Claims 11 and 22 recite encrypting and decrypting an electronic book based on a unique viewer key.

As stated in the below indefiniteness objection, it is not clear what is meant by the term "unique viewer." Since no distinguishing elements of the "unique viewer" have been recited, it is regarded as merely being a second viewer.

FERNANDEZ discloses a system where a unique code number is associated with an electronic book (Description: column 9, lines 29-32). Although FERNANDEZ fails to disclose associating an electronic book unique code number with a second viewer, SETH-SMITH et al. disclose associating teletext with a specific viewer (Description: column 3, lines 14-28).

SETH-SMITH et al. also disclose encrypting and decrypting teletext based on a secret key (Figure 1; Description: column 19, lines 38-63).

Therefore, claims 4-6, 11, 15-17, and 22 do not comply with section 28.3 of the *Patent Act*. These claims are obvious having regard to FERNANDEZ *combined with* SETH-SMITH et al. and in light of the general common knowledge in the art.

Indefiniteness

Claims 4, 6, 15 and 17 are indefinite and do not comply with subsection 27(4) of the *Patent Act*. The term "unique viewer" is not clear. More specifically, it is not clear whether the term means: a second viewer, a viewer identified by a unique identification, or a viewer having a unique feature. The above claims must be amended so that the specific feature characterizing the recited viewer as "unique" is explicitly stated.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

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